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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,221	08/16/2001	David Chao	7115.025	2849

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EXAMINER

TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/931,221

Applicant(s)

CHAO, DAVID

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,10-14,19-21,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3,7-9,15-18,22-24 and 27-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 2, 6, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Referring to Claims 2, 6 it is unclear what is the different between positions of the light source "*at an end of the arm*" and "*in an end of the arm*".
2. Referring to Claim 25 it is unclear what applicant intends by "*the arm is provided with a container for storing the screwdriver*". Drawings and Specification do not disclose any reference named "*container*". What is difference between "*cavity for storing the screwdriver*" at claim 20 and "*container for storing the screwdriver*"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (U.S.4,234,910).

3. Referring to Claim 1 Price discloses (Figs.2, 5) an eyeglasses having a front frame [20], arms [22] extending therefrom and a light source [14] and [22] positioned at an end of the arms.
4. Referring to Claim 10 Price discloses (Fig.2) eyeglasses wherein a light source [22] is positioned to shine towards the proximal end of the arm.

Claims **11-14** are rejected under 35 U.S.C. 102(b) as being anticipated by Colitz (U.S. 5,430,503).

- 5 Referring to Claim **11** Colitz discloses (Figs.2, 5) an eyeglasses having a front frame portion and arms [12] extending therefrom and a writing instrument stored on the arm.
6. Referring to Claim **12** Colitz discloses (Fig.5) the arm provided with an opening [18] into a cavity [22] in the arm, the cavity is shaped to receive a writing instrument.
7. Referring to Claims **13, 14** Colitz discloses (Fig.5) the arm wherein the opening [18] is provided at the distal end of the arm [12].

Claims **19-21, 25, 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Mechlin (U.S. 6,286,954).

8. Referring to Claim **19** Mechlin discloses (Figs.1, 3) an eyeglasses having a front frame portion, arms [26] extending therefrom and a screwdriver stored on the arm.
9. Referring to Claim **20** and claims **25, 26** (as best understood) Mechlin discloses (Fig.3) an eyeglasses wherein the arm [26] is provided with an opening into a cavity in the arm, the cavity being shaped to receive a screwdriver, wherein the screwdriver is stored and faces towards a distal end.
10. Referring to Claim **21** Mechlin shows (Fig.3) the screwdriver is attached to a plug end [42].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4, 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (U.S. 4,234,910).

It would have been obvious that a position of the light source on the arm is matter of design choice; light source may be located at any place of arm surface depending on necessity.

Allowable Subject Matter

Claims 3, 7, 8, 9, 15-18, 22-24, 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

12. Referring to Claim 3 the prior art of record fails to show a light source that is positioned at a distal end of the arm.

13. Referring to Claim 7 the prior art of record fails to show a light source that is positioned in a recess of the arm.

14. Referring to Claim 8 the prior art of record fails to show a light source that is positioned in a cavity within the arm.

15. Referring to Claim 9 the prior art of record fails to show a light source that is positioned to shine towards the distal end of the arm.

16. Referring to Claims 15, 24 the prior art of record fails to show the eyeglasses wherein a side of the arm is provided with a groove that opens into the cavity.

17. Referring to Claim **16** the prior art of record fails to show the eyeglasses having the combination of the light source and a container for storing the writing instrument.
18. Claim **17** is objected to as being dependent upon a rejected base claim 16, but would be allowable if claim 16 will be rewritten in independent form.
19. Claim **18** is objected to as being dependent upon a rejected base claim 17, but would be allowable if claim 16 will be rewritten in independent form.
20. Referring to Claim **22** the prior art of record fails to show the eyeglasses wherein the screwdriver extends from the distal end of the arm.
21. Claim **23** is objected to as being dependent upon a rejected base claim 22, but would be allowable if claim 22 will be rewritten in independent form.
22. Referring to Claim **27** the prior art of record fails to show that the opening of the container faces towards a proximal end of the arm.
23. Referring to Claim **28** the prior art of record fails to show an eyeglasses having light source and at least one reversible arm.
24. Referring to Claim **29** the prior art of record fails to show an eyeglasses having writing instrument and at least one reversible arm.
25. Referring to Claim **30** the prior art of record fails to show an eyeglasses having a screwdriver and at least one reversible arm.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

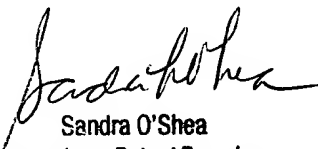
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
August 19, 2002


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800